

Appl. No. 10/781,464
Reply to Office Action of November 3, 2004

Confirmation No. 1780

REMARKS

The Examiner rejects Claim 34 as an improper dependent claim because the claim is dependent from Claim 58, which does not exist. Claim 34 has been amended to recite dependency from Claim 33. In addition, Claim 32 has been amended to correct obvious typographical errors. Claim 32 now recites dependency from Claim 1 (and not Claim 32) and the extra "and" is deleted. Applicant respectfully requests removal of the rejection.

The Examiner has required restriction to one of two groups:

- I. Claims 1-14 and 32-34, drawn to a composition for inhibiting bacterial biofilm on devices selected from the group of
 - a) an iron sequestering glycoprotein, a cationic polypeptide and a chelating agent;
 - b) an iron-sequestering glycoprotein and a cationic polypeptide; and
 - c) an iron-sequestering glycoprotein and a chelating agent.
- II. Claims 15-32, drawn to a method of preparing a device by treating at least a surface of the device with the composition of claim 1.

Without acquiescing to the statements made in the Restriction Requirement, Applicant hereby elects with traverse the claims of Group I (claims 1-14 and 32-34) for prosecution in the instant application.

The traversal is on the ground that sufficient reasons and/or examples to justify a Restriction Requirement have not been provided. Applicants submit that it would not be unduly burdensome to search the claims of Group II, since search and examination of the compositions of Group I would likely encompass the method of treating a surface with the compositions of Group I as claimed in Group II. Therefore, Applicants respectfully submit that the Examiner has not established an undue burden in examining Groups I and II in the same application.

Applicant wishes to remind the Examiner, although the Examiner is aware, that non-elected process claims that depend from the patentable product claim can be re-joined upon allowability of the product claims and prior to final rejection or allowance.

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If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.



Respectfully submitted,

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Date: 2/1/2005

A handwritten signature in black ink, appearing to read "Ronald A. Daignault".

Ronald A. Daignault
Reg. No. 25,968